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**REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed May 12, 2006. In the Office Action, the Examiner notes that claims 1-20 are pending and rejected. By this response, Applicants have amended claim 2 to provide for consistent terminology with the base claim, and claims 1, 10 and 20 to further clarify Applicants' invention.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

**Examiner's Interview**

Applicants thank Examiner and Examiner's Supervisor for their time in granting the telephone interview of August 11, 2006. Pursuant to the interview, independent claims 1, 10 and 20 have been amended to further clarify Applicants' invention - specifically, to recite that the particular terminal used to monitor a particular channel is remote from the subscriber equipment. Support for this can be found at least in Fig. 6 and corresponding discussions on page 21 to page 25 relating to the monitoring system, as illustrated below.

For example, distribution system 600, which includes a monitor and control unit 660 and a monitoring system 680, is capable of monitoring from a remote location the delivery of contents (p.21, line 32) from a head-end via a distribution node to a number of terminals 108 (which are set top or user terminals). Specifically,

"[c]ontrol system 682 interfaces with, and received directives (commands) from, monitor and control unit 660. In response to a received directive, control system 682 may direct a particular terminal 688 within monitoring system 680 to provide the requested contents, receive and capture the contents from the selected terminal, and send the captured contents back to monitor and control unit 660." (p.23, line31 to p.24, line 3; emphasis added).

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Furthermore, p.24, lines 4-14, discloses that a remote control unit 684 interfaces with, and receives commands from, control system 682, and activates one or more terminals 688 as directed by the command. In one embodiment, monitoring system 680 includes one terminal 688 for each terminal model to be monitored, and thus, may be used to test various terminal models that may be deployed in the field. Thus, "[r]emote control unit 684 and terminal 688 can be operated to mimic an actual system that may be deployed at a customer site." (p.24, lines 25-26).

The above discussions, along with Fig. 6, provide clear support that terminals 688, which are part of the provider's monitoring system 680, are remote from the user terminals (e.g., 108) of the subscriber equipment. Thus, no new matter is introduced in amended claims 1, 10 and 20.

In view of both the amendment presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

**Rejection under 35 U.S.C. §103 of Claims 1-3, 7-17 and 20**

The Examiner has rejected claims 1-3, 7-17 and 20 under 35 U.S.C. §103(a) as being unpatentable over Blumenau (U.S. Patent 6,108,637, hereinafter "Blumenau") in view of Stetten (U.S. Patent 3,746,780, hereinafter "Stetten"). Independent claims 1, 10 and 20 have been amended to further clarify Applicants' invention. For reasons stated below, Applicants respectfully submit that the rejection is overcome.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. The Blumenau and Stetten references alone or in combination fail to teach or suggest all of the limitations recited in amended claim 1, and thus fail to teach or suggest Applicants' invention as a whole.

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As stated by the Examiner, although Blumenau (content display monitor in a computer system) mentions a television environment in col. 1, lines 35-47, it fails to explicitly teach a television distribution system, and additionally fails to teach that the directive is received at a control unit through a communications means not including the distribution node of the television distribution system. Examiner has cited Stetten as teaching a television distribution system (col. 2, lines 44-50) that "sends a control signal separately from the TV signal over telephone lines to the user (col. 11, lines 21-25)", and asserts that it would have been obvious to modify Blumenau to include the television distribution system and the control signal sent to the user, as taught by Stetten.

The Stetten reference fails to bridge the substantial gap between the Blumenau reference and Applicants' invention. The Stetten reference teaches the use of identification data to select predetermined video information to be displayed at particular devices (see Abstract). Based on identification information provided by a subscriber via telephone, for example, individually adapted video information can be selected for transmission and display at the subscriber's site (see col. 2, lines 16-23; col. 2, line 50-col. 4, line 29), and control signals allow one "to select some frames or portions of frames for display, and reject others, if any" (col. 11, lines 17-19). This also has nothing to do with the claimed invention.

Nowhere in the Stetten or Blumenau references is there any teaching or suggestion of "receiving, at a control unit, a directive to use a particular terminal remote from the subscriber equipment to monitor a particular channel", as recited in Applicants' amended claim 1. That is, Stetten, even if combined with Blumenau, does not teach or suggest receiving a command to monitor a particular terminal remote from the subscriber equipment or to receive content on that terminal.

As such, Applicants submit that independent claim 1 is patentable under 35 U.S.C. §103(a) over Blumenau in view of Stetten. Amended claims 10 and 20 recite relevant limitations similar to those recited in independent claim 1. Accordingly,

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independent claims 10 and 20 also are patentable under 35 U.S.C. §103(a) over Blumenau in view of Stetten.

Furthermore, claims 2-3, 7-9, and 11-17 depend, either directly or indirectly, from independent claims 1 and 10 and recite additional limitations thereof. As such, and at least for the same reasons as discussed above, Applicants submit that these dependent claims are patentable under 35 U.S.C. §103(a) over Blumenau in view of Stetten. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### **35 U.S.C. §103 Rejection of Claims 4-5 and 18-19**

The Examiner has rejected claims 4-5 and 18-19 under 35 U.S.C. §103(a) as being unpatentable over Blumenau and Stetten as applied to claim 1/17 above, and further in view of Sitnik (US-2002/0010935A1, hereinafter "Sitnik"). Applicants respectfully traverse the rejection.

Claims 4-5 and 18-19 depend directly or indirectly from independent claims 1 and 10. For at least the reasons discussed above, the Blumenau and Stetten references fail to teach or suggest Applicants' invention as recited in claim 1. Accordingly, any attempted combination of the Blumenau and Stetten references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 4-5 and 18-19 are patentable under 35 U.S.C. §103(a) over Blumenau and Stetten as applied to claim 1/17 above, and further in view of Sitnik. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### **35 U.S.C. §103 Rejection of Claim 6**

The Examiner has rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Blumenau and Stetten as applied to claim 1 above, and further in view of Simsic (U.S. Patent 6,269,484, hereinafter "Simsic"). Applicants respectfully traverse the rejection.

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Claim 6 depends directly from independent claim 1. Moreover, for at least the reasons discussed above, the Blumenau and Stetten references fail to teach or suggest Applicants' invention as recited in claim 1. Accordingly, any attempted combination of the Blumenau and Stetten references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claim 6 is patentable under 35 U.S.C. §103(a) over Blumenau and Stetten as applied to claim 1/17 above, and further in view of Simsic. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

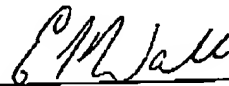
### CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated or obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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